

On November 18, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered delivered to a charitable institution.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29913. Misbranding of canned cherries. U. S. v. 1,067 Cases of Canned Cherries. Consent decree of condemnation. Product released under bond to be relabeled. (F. & D. No. 44250. Sample No. 10446-D.)**

This product was substandard because the fruit was not pitted since there was present more than 1 cherry pit per each 20 ounces of net contents, and it was not labeled to indicate that it was substandard.

On or about November 4, 1938, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 1,067 cases of canned cherries at Tampa, Fla.; alleging that the article had been shipped in interstate commerce on or about August 30, 1938, by the Huber Packing Co. from Tacoma, Wash.; and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Midfield Brand Water Pack R. S. P. Cherries."

It was alleged to be misbranded in that it was canned food and fell below the standard of quality and condition promulgated by the Secretary of Agriculture for such canned food, since there was present in each can more than 1 cherry pit per each 20 ounces of net contents, and its package or label did not bear a plain and conspicuous statement prescribed by the Secretary indicating that it fell below such standard.

On December 9, 1938, Huber Packing Co., Inc., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond conditioned that it be relabeled to comply with the law.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29914. Adulteration of scallops. U. S. v. 1 Barrel (and 2 similar seizure actions). Default decrees of condemnation and destruction. (F. & D. Nos. 44450, 44535, 44536. Sample Nos. 44675-D, 44681-D, 44682-D.)**

This product contained added water.

On November 21, 23, and 25, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of five barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce in part on or about November 14, 17, and 19, 1938, by the Fort Myers Sea Food Co. from Fort Myers, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

**29915. Adulteration of scallops. U. S. v. 3 Barrels (and 6 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 44391 to 44396, inclusive, 44449. Sample Nos. 13059-D, 13060-D, 44661-D, 44662-D, 44665-D, 44666-D, 44673-D.)**

This product contained added water.

On November 15, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 18 barrels of scallops at New York, N. Y.; alleging that the article had been shipped in interstate commerce on or about November 7, 8, 9, and 15, 1938, by Stansbury Bros. from Panama City, Fla.; and charging adulteration in violation of the Food and Drugs Act.

The article was alleged to be adulterated in that a substance, water, had been mixed and packed with and substituted in part for scallops.

On December 9 and 16, 1938, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

HARRY L. BROWN, *Acting Secretary of Agriculture.*